

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No. 10822 of 2018 (O&M)

Date of decision: - 05.12.2019

PREM CHAND

...Petitioner

Versus

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H. S. Jaswal, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for respondent No. 2 to 5 and 7.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. challenging the order dated 22.01.2018 (Annexure P-3) vide which the prosecution evidence was closed, order dated 08.02.2018 (Annexure P-6) vide which application moved by the petitioner under Section 311 Cr.P.C. was dismissed and the order dated 27.02.2018 (Annexure P-8) vide which the revision petition filed by the petitioner, challenging the order dated 08.02.2018, was dismissed.

Learned counsel for the petitioner states that Senior Medical Officer, X-Ray Department was present on 19.12.2017 before the Court below but could not be examined because of the request of the proxy counsel for the accused, even though his counsel Mr. Vinod Bhardwaj

was present at that time.

Learned State counsel and counsel for the respondents have pointed out that the prosecution have availed 54 opportunities till date but failed to examine the witnesses.

I have gone through the *zimni* orders placed on record by the learned counsel for the petitioner.

It is a case in which the present FIR and the complaint case were consolidated vide order dated 15.01.2016 and fresh charges were framed on 30.01.2017. No doubt there is a lapse on the part of the counsel for the complainant but still one last & final opportunity should be given to the complainant to examine the Senior Medical Officer, X-Ray Department.

Accordingly, the impugned orders dated 22.01.2018 (Annexure P-3), 08.02.2018 (Annexure P-6) and 27.02.2018 (Annexure P-8) are set aside. Complainant is granted one last & final opportunity to examine the Senior Medical Officer, X-Ray Department on 16.12.2009 subject to payment of costs of Rs. 10,000/- to be deposited with the concerned District Legal Services Authority.

Petition is disposed of accordingly.

Copy of this order be given to the counsel for the petitioner under the signatures of the Bench Secretary.

(HARNARESH SINGH GILL)
JUDGE

05.12.2019

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes
No